

REMARKS

Claims 1, 4-32 and 35-44 were presented for examination and were rejected. In the present amendment, independent claim 45 has been added. No new matter has been introduced. Upon entry of the present amendment, claims 1, 4-32 and 35-45 will be currently pending in this application, of which claims 1, 17, 32 and 45 are independent. Applicants submit that claims 1, 4-32 and 35-45 are in condition for allowance.

The following comments address all stated grounds of rejection. Applicants traverse all rejections and urge the Examiner to pass the claims to allowance in view of the remarks set forth below.

CLAIM REJECTIONS UNDER 35 U.S.C. §103**I. Claims 1, 4-6, 16-21, 31, 32, 35-37 and 44 Rejected Under 35 U.S.C. §103**

Claims 1, 4-6, 16-21, 31, 32, 35-37 and 44 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,772,347 to Xie et al. (“Xie”) in view of U.S. Patent Publication No. 2004/0250124 to Chesla (“Chesla”). Applicants respectfully traverse these rejections. Claims 1, 17 and 32 are independent claims. Claims 4-6 and 16 depend on and incorporate all the patentable subject matter of independent claim 1, claims 18-21 and 31 depend on and incorporate all the patentable subject matter of independent claim 17, and claims 35-37 and 44 depend on and incorporate all the patentable subject matter of independent claim 32. Applicants submit that Xie and Chesla, alone or in combination, do not teach or suggest each and every feature of the claimed invention.

A. Claims 1, 17 and 32 Patentably Distinguished over Xie in view of Chesla

To establish *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Claim 1 is directed to a computer-implemented method, claim 17 is directed to a system, and claim 32 is directed to a computer program product. Claims 1, 17 and 32 recite generating an exception rule to the rejection rule which rejected the messages with the attribute, responsive to the determined frequency exceeding a threshold. Claims 1 and 32 further recite receiving a second message having the attribute and allowing the second message, responsive to the exception rule. Claim 17 further recites applying the exception rule to subsequent messages to determine whether to allow the subsequent messages. Xie and Chesla, alone or in combination, fail to teach or suggest each and every element of the claimed invention.

Neither Xie nor Chesla teach or suggest generating an exception rule to a rejection rule in response to a determined frequency exceeding a threshold. The Examiner admits that Xie does not disclose this feature and cites Chesla's for this purpose. However, as with Xie, Chesla does not teach or suggest generating an exception rule to a rejection rule in response to a determined frequency exceeding a threshold. Instead, Chesla uses a threshold only to determine when to reject messages directly. Chesla does not generate any exceptions to the rule which rejects messages. Once the threshold is exceeded, Chesla continues to reject messages without generating any exception rules. As such, once a message is rejected in Chesla via a rule, Chesla does not then allow the rejected message based on an exception rule. Thus, Chesla and Xie, alone or in combination, do not teach or suggest generating an exception rule to a rejection rule in response to a determined frequency exceeding a threshold.

Since Xie and Chesla, alone or in combination, do not teach or suggest each and every feature of the claimed invention, Applicants submit independent claims 1, 17 and 32 are patentable and in condition for allowance. Claims 4-6 and 16 depend on and incorporate all the patentable subject matter of independent claim 1. Claims 18-21 and 31 depend on and incorporate all the patentable subject matter of independent claim 17. Claims 35-37 and 44 depend on and incorporate all the patentable subject matter of independent claim 32. Thus, Applicants submit dependent claims 4-6, 16, 18-21, 31, 35-37 and 44 are patentable and in condition for allowance. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 4-6, 16-21, 31, 32, 35-37 and 44 under 35 U.S.C. §103.

II. Claims 7-15, 22-30 and 38-43 Rejected Under 35 U.S.C. §103

Claims 7-15, 22-30 and 38-43 are rejected under 35 U.S.C. §103 as unpatentable over Xie in view of Chesla and further in view of U.S. Publication No. 2005/0086206 to Balasubramanian et al. (“Balasubramanian”). Applicants respectfully traverse these rejections. Claims 7-15 depend on and incorporate all the patentable subject matter of independent claim 1. Claims 22-30 depend on and incorporate all the patentable subject matter of independent claim 17. Claims 38-43 depend on and incorporate all the patentable subject matter of independent claim 32. Applicants submit that Xie, Chesla, and Balasubramanian, alone or in combination, do not teach or suggest each and every feature of claims 7-15, 22-30 and 38-43.

A. Dependent Claims 7-15, 22-30 and 38-43 Patentable over Xie, Chesla and Balasubramanian

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. For the reasons discussed above in

connection with the rejection of the independent claims 1, 17 and 32, Applicants submit independent claims 1, 17 and 32 are patentable and in condition for allowance. Thus, the claims dependent from claims 1, 17 and 32 are patentable and in condition for allowance: 7-15, 22-30 and 38-43. As with Xie and Chesla, Balasubramanian does not teach or suggest generating an exception rule to a rejection rule in response to a determined frequency exceeding a threshold. Therefore, Xie, Chesla and Balasubramanian, alone or in combination, fail to detract from the patentability of the claimed invention. Accordingly, Applicants submit dependent claims 7-15, 22-30 and 38-43 are patentable and in condition for allowance. Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 7-15, 22-30 and 38-43 under 35 U.S.C. §103.

III. New Dependent Claim 45 Patentable Over Xie, Chesla and Balasubramanian

Claim 45 is an independent claim reciting generating, by the device, an exception rule to the rejection rule which rejected the messages with the attribute, responsive to the determined frequency exceeding a threshold. Just as in claims 1, 17 and 32, this claim recites generating an exception rule to a rejection rule in response to a determined frequency exceeding a threshold. In addition to the reasons stated above regarding the patentability of independent claims 1, 17 and 32, independent claim 45 provides an additional basis for patentability. This claim further recites rejecting the second message based on the rejection rule and determining that the exception rule to the rejection rule exists. Xie, Chesla and Balasubramanian, alone or in combination, fail to teach rejecting a message with a rejection rule and determining that the exception rule to the rejection rule used to reject the message exists. Therefore, Applicants submit independent claim 45 is allowable and in condition for allowance.

CONCLUSION

In light of the aforementioned amendments and arguments, Applicants contend that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,

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